

REMARKS:

This is a full and complete response to the Office action dated October 27, 2008. Favorable reconsideration of the claims is respectfully requested.

REGARDING THE RESTRICTION:

The Examiner indicated that Applicants had elected without traverse Group II and Figs. 1-7 of the reply. Applicants respectfully note Applicants had traversed the species restriction regarding Figs. 1-7 and 8-23. Applicants noted that there was no indication there is no indication by the Examiner what were "the mutually exclusive characteristics" of said groups of figures. Accordingly as there were no mutually exclusive groups indicated, the species restriction is requested to be withdrawn.

REGARDING THE SPECIFICATION:

Applicants supply a substitute specification herewith which now includes numbers provided to identify particular features in the drawings.

REGARDING THE CLAIMS:

Claims 1-9 and 11-21 are pending in the application. Claims 20 and 21 have been newly added. No new matter has been added.

DRAWINGS

Applicants provide formal drawings additionally with numbers provided to identify particular features.

Additionally, the Examiner argued that the rectangular shape of the access aperture must be shown in the drawings. However, Applicants note that this can be seen in the carrier box in both Figs. 1 and 2. A front view of an access aperture can be seen in Fig. 10 and although Examiner has restricted Fig. 10 from consideration this access aperture is the same as that in Figs. 1 and 2.

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 102:

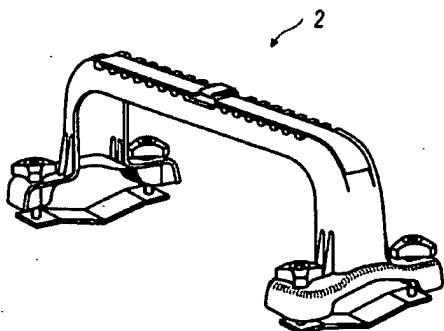
Claims 9-12, 14, 17-18 stand rejected under 35 USC §102(b) as being anticipated by **Washington**, US 4,523,704. Applicants respectfully traverse this rejection.

Applicants have amended claim 9 to incorporate the features of claim 10 to recite “a pliable buffer arranged within an interior of said access aperture.” Applicants respectfully submit that **Washington** does not disclose or suggest a pliable buffer. Applicants also submit this is also confirmed in the Office Action on page 5 wherein it is stated “Washington does not show a pliable buffer arranged in the interior of the access aperture.” Accordingly, Applicants respectfully submit that **Washington** does not disclose or suggest all the limitations in the present claims. Therefore, Applicants request the above mentioned rejection be withdrawn.

CLAIM 11

Applicants respectfully submit that claim 11 is not disclosed or suggested by **Washington**. Claim 11 recites “an anchor arrangement for securing a distal end of a fishing rod installed in said carrier arrangement at a distance away from said carrier box to the vehicular carrier rack.” Applicants submit that no such “anchor arrangement” is disclosed or suggested in **Washington**.

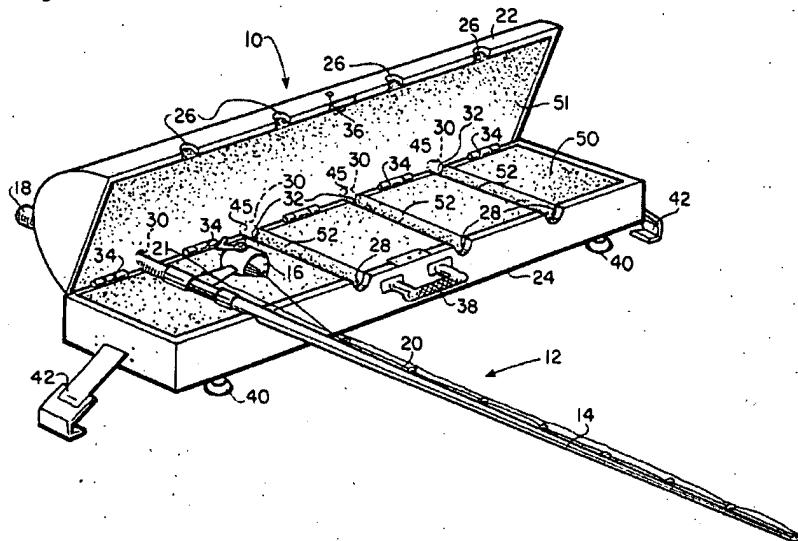
Applicants note that one embodiment of an anchor arrangement 2 is shown in Fig. 1 of the present application as follows:



In one embodiment, a fishing rod can be placed in the carrier box 1, and the distal ends of the fishing rod will extend out and can be secured thereon.

Referring to Fig. 1 of the **Washington** reference, the Examiner asserts that the handle 38 is an "anchor arrangement." Fig. 1 is shown for convenience as follows:

Fig. 1.



As can be seen above the handle 38 is not installed a distance away from the carrier box. Instead it is attached to the carrier box, and furthermore is not positioned such that it can secure the distal ends of the carrier rod. As can be seen, the distal end of the fish rod extends far beyond the handle attached to the bottom section 24. Accordingly, **Washington** does not disclose or suggest claim 11.

CLAIM 20

Applicants further note that claim 20 recites that "said access aperture is sized to carry more than one fishing rod within said access aperture." As can be seen in Fig. 1 of **Washington** the cut outs 26 and 27 along with grooves 52 are specifically shaped to hold only one fishing rod. *Washington, col. 3, lines 14-17.* Accordingly, **Washington** does not disclose or suggest an access aperture than can hold more than one fishing rod.

REJECTION UNDER 35 U.S.C. § 103:

Claim 13 stands rejected under 35 USC §103(a) as being unpatentable over **Washington** in view of **Michal**, US 3,662,933. Applicants respectfully traverse this rejection.

As noted above Applicants have amended claim 9 to incorporate the features of claim 10 to recite "a pliable buffer arranged within an interior of said access aperture." Applicants respectfully submit that **Michal** does not add anything which would cure the deficiency in disclosure of **Washington**. Accordingly, Applicants submit that **Washington**, even in view of **Michal** does not disclose or suggest the claim 9 and claims depending therefrom.

REJECTION UNDER 35 U.S.C. § 103:

Claim 15 stands rejected under 35 USC §103(a) as being unpatentable over **Washington** in view of **Zielinski**, US 5,678,348. Applicants respectfully traverse this rejection.

In view of the amendment to claim 9 incorporating the features of claim 10, Applicants have amended claim 15. However, as noted above, claim 9 recites "a pliable buffer arranged within an interior of said access aperture." The Examiner asserted that although **Washington** does not disclose a pliable buffer arranged on the interior of the access aperture, **Zielinski** discloses a fishing rod and reel carrier arrangement having a pliable buffer 60 which could be provided to the device of **Washington**. Applicants respectfully submit that it would not be obvious for one of skill in the art to modify **Washington** with the "buffer" of **Zielinski** because although dealing with fishing rods, the two systems are completely different from one another.

Fig. 1. The device **Washington** is shown as follows

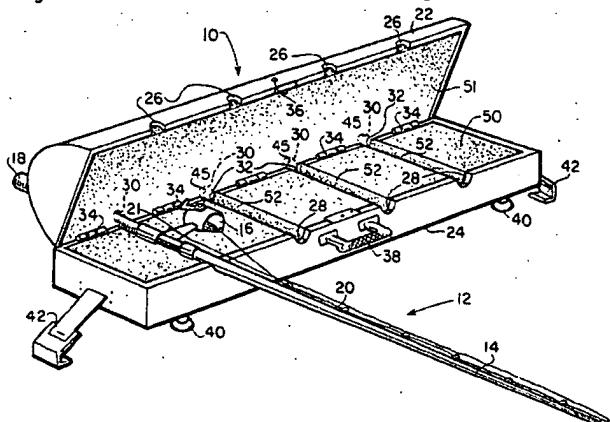
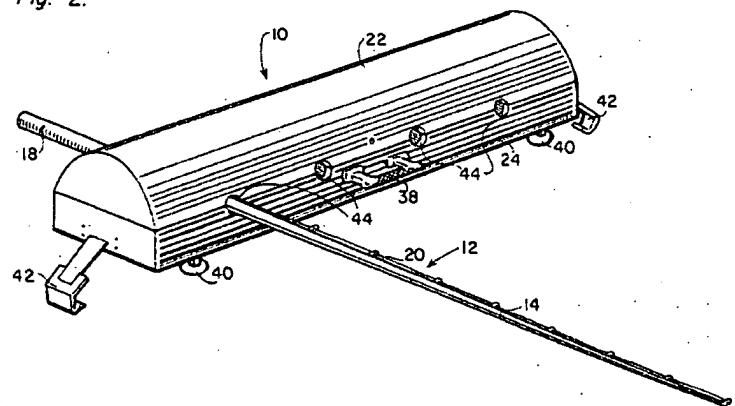


Fig. 2.



As shown above, the fishing rods are placed within a carrier box having cut outs specifically made for the fishing rod and the box closed down on the fishing rod, firmly holding it in place by the edges of aperture 44.

For convenience Fig. 2 of **Zielinski** is shown as follows:

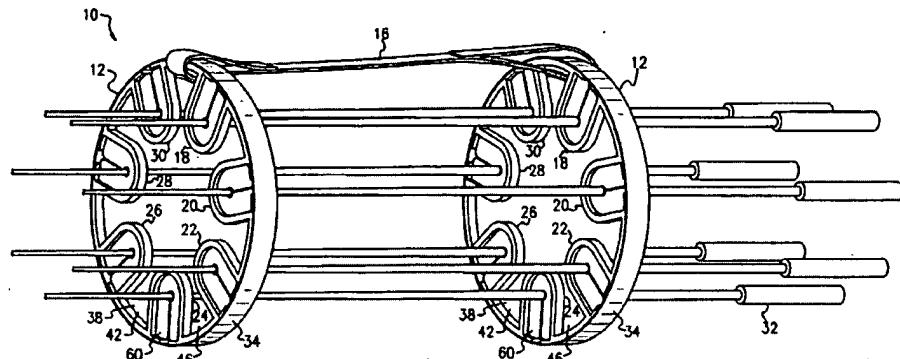


FIG. 1

As can be seen above, there is no carrying box or enclosure for the rods, nor is there any internal structure which would otherwise hold the rods in place, only the foam elements 60 secure the rods. Accordingly, one of skill in the art would not modify the device of **Washington**, where rods are placed in grooves specifically designed to hold them with the foam elements 60 in **Zielinski** because they are two completely different systems for securing rods. **Washington** relies on internal structure and grooves of the box to hold rods in place while **Zielinski** utilizes foam elements 60.

Furthermore **Zielinski** does not disclose that these foam elements are arranged within an interior of said access aperture. There is no access aperture provided in **Zielinski** within which they could be arranged. Accordingly, it is only by impermissible hindsight reconstruction with specific reference to the instant application would such foam elements be considered for being placed within the interior of an access aperture for carrying fishing rods. *KSR, 82 USPQ.2d 1385; 127 S. Ct. 1727, 1745 (2007)* ("A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post reasoning*"); MPEP §2145 (X). Therefore, Applicants respectfully submit that the present claims are not *prima facie* obvious in over

Washington in view of Zielinski, and respectfully request the above mentioned rejection be withdrawn.

REJECTION UNDER 35 U.S.C. § 103:

Claim 19 stands rejected under 35 USC §103(a) as being unpatentable over **Washington**. Applicants respectfully traverse this rejection.

Applicants note that claim 19 depends from claim 9, and furthermore, as discussed above, Applicants have amended claim 9 to incorporate the features of claim 10 to recite "a pliable buffer arranged within an interior of said access aperture." Applicants respectfully submit that **Washington** does not disclose or suggest a pliable buffer. Therefore, Applicants request the above mentioned rejection be withdrawn.

New claim 21

Applicants have added new claim 21 which recites, among other things, "an anchor arrangement separate from said carrier box and attached to said vehicular rack a distance away from said carrier box for securing a distal end of a fishing rod installed in said carrier box." As discussed above, the handle 38 of **Washington** is not installed a distance away from the carrier box. Instead it is attached to the carrier box, and furthermore is not positioned such that it can secure the distal ends of the carrier rod. As can be seen, the distal end of the fish rod extends far beyond the handle attached to the bottom section 24. Accordingly, **Washington** does not disclose or suggest "an anchor arrangement" as recited in claim 21. Therefore, Applicants submit that the claim is in allowable condition.

In view of the comments above, it is respectfully requested that the rejections be withdrawn and a Notice of Allowance issue with respect to the currently pending claims.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7289.075.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Novak Druce + Quigg LLP
1000 Louisiana, Fifty-Third Floor
Houston, Texas 77002
(713) 571-3400
(713) 456-2836 (fax)
Tracy.Druce@novakdruce.com
Jason.Bryan@novakdruce.com

Respectfully submitted,
/Jason W. Bryan/
Jason W. Bryan
Reg. No. 51,505

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